NEW MEXICO
ENVIRONMENT DEPARTMENT

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GROUND WATER QUALITY BUREAU (GWQB)
DISCHARGE PERMIT - NEW
Issued under 20.6.2 NMAC

Facility Name:	New Mexico Wineries Inc., DBA Southwest Wines
GWQB Discharge Permit Number:	DP-1865
GWQB TEMPO AI Number:	34596
Permittee Name/Responsible Party:	New Mexico Wineries Inc., DBA Southwest Wines
Mailing Address:	1325 De Baca Rd. SE Deming, NM 88030
Facility Contact:	Brandon Young, CFO
Facility Location:	1325 De Baca Rd. SE Deming, NM 88030
County:	Luna
Permitting Action:	New
Permit Effective Date:	XXXXXX
Permit Expiration Date:	XXXXXXX
NMED Permit Contact:	Matthew Smith
NMED Contact Telephone Number:	(505) 827-2797

MICHELLE HUNTER
Chief, Ground Water Quality Bureau
New Mexico Environment Department

Date

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GROUND WATER DISCHARGE PERMIT
New Mexico Wineries Inc., DBA Southwest Wines, DP-1865

I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit (Discharge Permit), DP-1865, to the New Mexico Wineries Inc., DBA Southwest Wines (permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from New Mexico Wineries Inc., DBA Southwest Wines (facility) for the protection of groundwater and those segments of surface water gaining from groundwater inflow, for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the permittee to comply with the terms and conditions of this Discharge Permit; failure may result in an enforcement action(s) by NMED (20.6.2.1220 NMAC).

The activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are briefly described as follows.

Up to 25,000 gallons per day (gpd) of winery process wastewater is discharged from the production area to a synthetically lined impoundment system for disposal by land application up to 7 acres irrigated land.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC

The facility is located at 1325 De Baca Rd. SE, approximately 6 miles southeast of Deming, in Section 34, T23S, R08W, Luna County. Groundwater most likely to be affected is at a depth of approximately 114 feet and has a total dissolved solids concentration of approximately 215 milligrams per liter.

The application (i.e., discharge plan) consists of the materials submitted by the permittee dated June 4, 2018 and materials contained in the administrative record prior to issuance of this Discharge Permit. The discharge shall be managed in accordance with all conditions and requirements of this Discharge Permit.

Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and that more stringent requirements to protect groundwater quality may be required by NMED. The permittee may be required to implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

The following acronyms and abbreviations may be used in this Discharge Permit.

Abbreviation	Explanation		Abbreviation	Explanation
BOD_5	biochemical oxygen demand (5-day)		NMED	New Mexico Environment Department
CFR	Code of Federal Regulations		NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit		NO_3-N	nitrate-nitrogen
Cl	chloride		NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency		TDS	total dissolved solids
gpd	gallons per day		TKN	total Kjeldahl nitrogen
LAA	land application area		total nitrogen	= TKN + NO_3-N
LADS	land application data sheet(s)		TRC	total residual chlorine
mg/L	milligrams per liter		TSS	total suspended solids
mL	milliliters		WQA	New Mexico Water Quality Act
MPN	Most Probable Number		WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code		WWTF	Wastewater Treatment Facility

II. FINDINGS

In issuing this Discharge Permit, NMED finds the following.

1. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move directly or indirectly into groundwater within the meaning of Section 20.6.2.3104 NMAC.

2. The permittee is discharging effluent or leachate from the facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS within the meaning of Subsection A of 20.6.2.3101 NMAC.

3. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

III. AUTHORIZATION TO DISCHARGE

Pursuant to 20.6.2.3104 NMAC, it is the responsibility of the permittee to ensure that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein.

The permittee is authorized to discharge up to 25,000 gallons per day (gpd) of winery process wastewater. Wastewater is discharged from the production area to a synthetically lined impoundment system for disposal by land application up to x acres.

IV. CONDITIONS

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

A. OPERATIONAL PLAN

#	**Terms and Conditions**
1.	The permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC. [Subsection C of 20.6.2.3109 NMAC]
2.	The permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated. [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

Operational Actions with Implementation Deadlines

#	**Terms and Conditions**
3.	Within 180 days following the effective date of this Discharge Permit begins (**by DATE**), the permittee shall submit an up-to-date diagram of the layout of the entire facility to NMED. The diagram shall include the following elements: • a north arrow; • the effective date of the diagram; • all components of the wastewater disposal system; • all land application areas and associated distribution pipelines; • all groundwater monitoring wells; • all backflow prevention methods/devices;

#	**Terms and Conditions**
	• all flow measurement devices; and • all wastewater sampling locations. Any element that cannot be directly shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such. [Subsection C of 20.6.2.3106 NMAC, Subsection A of 20.6.2.3107 NMAC]
4.	Prior to discharging to the synthetically lined PWRS-1 and PWRS-2 (Impoundment system), the permittee shall complete construction in accordance with the construction plans and specifications previously submitted. The permittee shall notify NMED at least five working days prior to commencement of construction to allow NMED personnel to be onsite for inspection. The permittee shall submit record drawings that bear the seal and signature of a licensed New Mexico professional engineer (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority) for the constructed impoundment system to NMED within 30 days of completion. [Subsections A and C of 20.6.2.1202 NMAC, Subsection C of 20.6.2.3109 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
5.	Prior to discharging wastewater to any disposal area, the permittee shall install the infrastructure necessary to transfer, distribute and apply wastewater. Documentation confirming installation of the distribution system shall consist of a narrative statement including the system type and location, and the method of backflow prevention employed (if applicable). Documentation shall be submitted to NMED prior to discharging. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
6.	Prior to discharging to any surface disposal area, the permittee shall install 18 to 24-inch berms around the surface disposal area to prevent surface water run-on and run-off. Documentation of berm installation shall consist of a narrative statement including the berm locations and shall be submitted to NMED within 30 days of completion. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
7.	Within 90 days of completion of the wastewater impoundment system, the permittee shall install fences around the wastewater impoundment system to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing, and locking gates. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
8.	Prior to discharging to any surface disposal area, the permittee shall post and maintain the following signs for any surface disposal field receiving wastewater:

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	• Signs in both English and Spanish that state: "Notice: wastewater at the facility is not potable and Aviso: el agua residual de la fabrica no es potable" or "Notice: waste disposal area, keep out and Aviso: area de disposicion, no entrar.' posted at the land application area and every 500 feet along the land application boundary. All signs shall remain legible for the term of this Discharge Permit. The permittee shall submit photographic evidence of installation the next scheduled quarterly monitoring report. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

Operating Conditions

#	Terms and Conditions
9.	Domestic wastewater generated at the facility shall not be co-mingled with wastewater generated in the processing area. Domestic wastewater shall be treated or disposed of in accordance with a Liquid Waste Permit issued pursuant to 20.7.3 NMAC [Subsection C of 20.6.2.3109 NMAC]
10.	The permittee shall inspect the concrete sump on a quarterly basis and clean as needed to prevent pump failure. The permittee shall maintain a record of sump inspections, repairs and cleanings. Solids generated in the processing area shall be stored and transported off-site in accordance with the conditions of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
11.	The permittee shall store and remove solids separated from the wastewater system in a manner and frequency necessary to prevent the contamination of ground water. Solids removed from the sump or impoundment shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. **Disposal of solids on the surface disposal area is prohibited.** Prior to off-site disposal, any solids stored at the facility shall be managed to minimize the generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within solids stockpiling. OR Solids shall be contained in a waste disposal bin prior to being hauled offsite for final disposal. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
12.	The wastewater impoundment(s) shall be designed to contain the maximum daily discharge volume authorized by the Discharge Permit. The design shall accommodate for periods when land application is not feasible and preserve two feet of freeboard. This

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	capacity requirement may be satisfied by a single wastewater impoundment or by the collective capacity of multiple impoundments intended to store wastewater. The permittee shall operate and maintain the wastewater impoundment system for the purpose of storing and managing wastewater at the facility. In order to maintain the required capacity, solids shall be removed from the impoundment system as needed in a manner that is protective of the liner. Solids shall be stored and transported off-site in accordance with the conditions of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
13.	Upon construction completion, the permittee shall maintain the impoundment liners in such a manner as to avoid conditions that could affect the liner or the structural integrity of the impoundments. Such conditions include or may be characterized by the following: • erosion damage; • animal burrows or other damage; • the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself; • the presence of large debris or large quantities of debris in the impoundment; • evidence of seepage; or • evidence of berm subsidence. Vegetation growing around the impoundment(s) shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner. The permittee shall visually inspect the impoundment(s) and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or liner, or that may result in an unauthorized discharge, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
14.	Upon construction completion, the permittee shall preserve a minimum of two feet of freeboard between the liquid level in the impoundments and the elevation of the top of the impoundment liner. In the event that the permittee determines that two feet of freeboard cannot be preserved in the impoundment, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

#	**Terms and Conditions**
15.	The permittee shall discharge wastewater to the disposal field OR subsurface irrigation system (land application area) such that the amount of total nitrogen discharged does not exceed 200 pounds per acre in any 12-month period. Nitrogen content shall not be adjusted to account for volatilization or mineralization processes. Wastewater shall be distributed evenly throughout the entire disposal area. Excessive ponding shall be prevented. [Subsection C of 20.6.2.3109 NMAC]
16.	The permittee shall visually inspect the area above the subsurface irrigation system semi-annually to ensure proper maintenance. Any conditions that indicate damage to the disposal system shall be corrected. Such conditions include, but are not limited to erosion damage, animal activity/damage, or evidence of seepage. The permittee shall keep a log of the inspection findings and repairs. The log shall be made available to NMED upon request. In the event of a failure of the disposal system, the permittee shall enact the contingency plan set forth in this Discharge Permit. [Subsections A and D of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
17.	The permittee shall maintain 18 to 24-inch berms around the surface disposal area to prevent surface water run-on and run-off. The berms shall be inspected on a regular basis and after any major precipitation event, and repaired as necessary. [Subsection C of 20.6.2.3109 NMAC]
18.	Within 60 days of the effective date of this Discharge Permit (**by Date**), the permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the reclaimed domestic wastewater delivery system. Backflow prevention shall be maintained at all times. RP devices shall be inspected and tested by a certified backflow prevention assembly tester at the time of installation, repair or relocation and at least on an annual basis thereafter. The backflow prevention assembly tester shall have successfully completed a 40-hour backflow prevention course based on the University of Southern California's Backflow Prevention Standards and Test Procedures, and obtained certification demonstrating completion. A malfunctioning RP device shall be repaired or replaced within 30 days of discovery, and use of all supply lines associated with the RP device shall cease until repair or replacement has been completed. Copies of the inspection and

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	maintenance records and test results for each RP device associated with the backflow prevention program shall be maintained at a location available for inspection by NMED. [Subsection C of 20.6.2.3109 NMAC]
19.	The permittee shall visually inspect flow meters on a monthly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning as required by this Discharge Permit, the permittee shall repair or replace the meter within 30 days of discovery. For *repaired* meters, the permittee shall submit a report to NMED with the next monitoring report following the repair that includes a description of the malfunction; a statement verifying the repair; and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. For *replacement* meters, the permittee shall submit a report to NMED with the next monitoring report following the replacement that includes a design schematic for the device and a flow meter field calibration report completed in accordance with the requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
20.	The permittee shall maintain fences around the wastewater impoundment system to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Fences shall be maintained throughout the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]
21.	The permittee shall maintain signs indicating that the wastewater at the facility is not potable. Signs shall be posted at the facility entrance and other areas where there is potential for public contact with wastewater. All signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit. [Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]

B. MONITORING AND REPORTING

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22.	The permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
23.	METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.

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	[Subsection B of 20.6.2.3107 NMAC]
24.	Quarterly monitoring shall be performed during the following periods and reports submitted to NMED semi-annually as follows: • January 1st through March 31st – **due by August 1st;** • April 1st through June 30th – **due by August 1st;** • July 1st through September 30th – **due by February 1st; and** • October 1st through December 31st – **due by February 1st.** [Subsection A of 20.6.2.3107 NMAC]

Monitoring Actions with Implementation Deadlines

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25.	The permittee shall install the following flow meters as specified: a) Within 90 days following the effective date of this Discharge Permit (**by DATE**), the permittee shall install **Meter-1** - a totalizing flow meter installed on the discharge line from the processing area to the impoundment system to measure the volume of wastewater discharged to the impoundment system. b) **Prior to discharging to the land application area,** the permittee shall install **Meter-2** – a totalizing flow meter installed on the discharge line from the impoundment(s) to the surface disposal field(s) or subsurface irrigation system to measure the volume of wastewater discharged to the disposal field(s). Confirmation of meter installation, type, calibration and locations shall be submitted to NMED within 30 days of completed installations. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
26.	Within 60 days following the effective date of this Discharge Permit (**by DATE**), the permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of the monitoring wells required to be installed by Condition 29 of this Discharge Permit. The proposal shall include, at a minimum, the following information. a) A map showing the proposed location of the monitoring wells from the boundary of the source it is intended to monitor. b) A written description of the specific location proposed for the monitoring wells including the distance (in feet) and direction of the monitoring wells from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the

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	northern berm of the synthetically lined impoundment; 45 feet due south of the leachfield; 30 feet southeast of the re-use area 150 degrees from north. c) A statement describing the groundwater flow direction beneath the facility, and documentation and/or data supporting the determination. All monitoring well locations shall be approved by NMED prior to installation. [Subsection A of 20.6.2.3107 NMAC]
27.	Following the installation of the monitoring wells required by this Discharge Permit, the permittee shall sample groundwater in the wells and analyze the samples for TKN, NO_3-N, TDS and SO_4. Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure. a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit. Well completion report (including the Office of the State Engineer permit), depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 45 days of the installation of the monitoring wells. [Subsection A of 20.6.2.3107 NMAC]
28.	Within 60 days following new monitoring well installation, the permittee shall survey all wells approved by NMED for Discharge Permit monitoring purposes to a U.S. Geological Survey (USGS) or other permanent benchmark. Survey data shall include northing, easting and elevation to the nearest hundredth of a foot or shall be in accordance with the "Minimum Standards for Surveying in New Mexico" (12.8.2 NMAC). A survey elevation shall be established at the top-of-casing, with a permanent marking indicating the point of survey. The survey shall bear the seal and signature of a licensed New Mexico professional surveyor (pursuant to the New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority). Depth-to-most-shallow groundwater shall be measured to the nearest hundredth of a foot in all surveyed wells [and referenced to mean sea level], and the data shall be used to develop a groundwater elevation contour map showing the location of all monitoring wells and the direction and gradient of groundwater flow at the facility. The data and

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	groundwater elevation contour map shall be submitted to NMED within 30 days of survey completion. [Subsection A of 20.6.2.3107 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]

Ground Water Monitoring Conditions

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29.	The permittee shall perform quarterly groundwater sampling in the following monitoring wells and analyze the samples for TKN, NO_3-N, TDS and SO_4. a) MW-1, intended to be located hydrologically upgradient of the facility. b) MW-2, intended to be located hydrologically downgradient of the impoundment system. c) MW-3, intended to be located hydrologically downgradient of disposal field OR subsurface irrigation system. Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure. a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot. b) Purge three well volumes of water from the well prior to sample collection. c) Obtain samples from the well for analysis. d) Properly prepare, preserve and transport samples. e) Analyze samples in accordance with the methods authorized in this Discharge Permit. Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the monitoring reports due by February 1 and August 1 each year. [Subsection A of 20.6.2.3107 NMAC]
30.	The permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained from the groundwater monitoring wells required by this Discharge Permit. The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction,

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	using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the monitoring reports due by February 1 and August 1 each year. [Subsection A of 20.6.2.3107 NMAC]
31.	NMED shall have the option to perform downhole inspections of all monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the permittee by certified mail. The permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal. Should a facility not have existing dedicated pumps, but decide to install pumps in any of the monitoring wells, NMED shall be notified at least 90 days prior to pump installation so that a downhole well inspection(s) can be scheduled prior to pump placement. [Subsections A and D of 20.6.2.3107 NMAC]

Facility Monitoring Conditions

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32.	The permittee shall measure the monthly volume of wastewater discharged from the processing area to the impoundment system. The permittee shall obtain readings from a totalizing flow meter located on the discharge line to the impoundment system on a monthly basis and calculate the monthly and average daily discharge volume. The monthly meter readings, and calculated monthly and average daily discharge volumes shall be submitted to NMED in the monitoring reports due by February 1 and August 1 each year. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
33.	The permittee shall measure the monthly volume discharged to *each* disposal field(s) and subsurface irrigation system at the facility using a totalizing flow meter. The meter shall be located on the transfer line between the impoundment system and the disposal field(s) and subsurface irrigation system. The permittee shall maintain a log that records the date that discharges occur to *each* disposal field(s) and subsurface irrigation system, monthly totalizing meter readings and units of measurement. The log shall be used to calculate the total monthly volume of wastewater discharged to *each* disposal field(s) and subsurface irrigation system. The monthly volume discharged to *each* location shall be used on the SDDS to calculate

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	nitrogen loading. A copy of the log shall be submitted to NMED in the monitoring reports due by February 1 and August 1 each year. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
34.	The permittee shall collect composite samples consisting of a minimum of six equal aliquots collected around the entire perimeter of PWRS-2 and thoroughly mixed on a **Semi-annual** basis and analyze the samples for: • TKN; • NO_3-N; • TDS; • Total Sulphur; • BOD_5; and • pH Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the monitoring reports due by February 1 and August 1 each year and shall be used on the SDDS to calculate nitrogen loading. [Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]
35.	The permittee shall complete Surface Disposal Data Sheets (SDDS; copy enclosed) on a monthly basis that document the amount of nitrogen applied to each disposal field(s) and subsurface irrigation system within the surface disposal area during the most recent 12 months. The SDDS shall reflect the total nitrogen concentration from the most recent wastewater analysis and the measured discharge volumes to each disposal field(s) and subsurface irrigation system within the surface disposal area for each month. The SDDS shall be completed with information from Conditions 33 and 34 or shall include a statement that wastewater disposal did not occur. The SDDS shall be submitted to NMED in the monitoring reports due by February 1 and August 1 each year. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]

C. CONTINGENCY PLAN

#	Terms and Conditions
36.	In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.

#	**Terms and Conditions**
	Within 60 days of confirmation of groundwater contamination, the permittee shall submit to NMED a Corrective Action Plan that proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be enacted as approved by NMED. Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly samples that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater. If the groundwater standard continues to be violated 180 days after the confirmation of groundwater contamination, the permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]
37.	In the event that information available to NMED indicates that a monitoring well is not constructed in a manner consistent with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; is not completed in a manner that is protective of groundwater quality; or indicates that a monitoring well is not located hydrologically downgradient of the discharge location it is intended to monitor, the permittee shall install a replacement well(s) within 120 days following notification from NMED. Replacement well locations shall be approved by NMED prior to installation and completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011. The permittee shall survey the replacement monitoring well(s) within 60 days of installation. The permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion. Upon completion of the replacement monitoring well, the monitoring well requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.

#	**Terms and Conditions**
	[Subsection A of 20.6.2.3107 NMAC]
38.	In the event that the SDDS show that the amount of nitrogen in wastewater applied in any 12-month period exceeds 200 pounds per acre, the permittee shall propose the reduction of nitrogen loading to the disposal field OR subsurface irrigation system by submitting a Corrective Action Plan to NMED for approval. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The permittee shall initiate implementation of the Plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
39.	In the event that inspection findings reveal significant damage likely to affect the structural integrity of a lined impoundment or its ability to contain contaminants, the permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan to NMED for approval. The Plan shall be submitted to NMED within 30 days after discovery by the permittee or following notification from NMED that significant liner damage is evident. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
40.	In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, the permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard. In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term Corrective Action Plan to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The permittee shall initiate implementation of the Plan following approval by NMED. In the event that the short-term corrective actions failed to restore two feet of freeboard, the permittee shall propose permanent corrective actions in a long-term Corrective Action Plan submitted to NMED within 90 days following failure of the short-term Corrective Action Plan. Examples include the installation of an additional storage impoundment, or a significant/permanent reduction in the volume of wastewater discharged to the

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	impoundment. The Plan shall include a schedule for completion of corrective actions and implementation of the Plan shall be initiated following approval by NMED. [Subsection A of 20.6.2.3107 NMAC]
41.	In the event that an inspection of the subsurface irrigation system reveals failure, the following contingency plan shall be enacted. a) Within 24 hours following the discovered failure, the permittee shall: i) notify NMED of the failure in accordance with the notification requirements described in the Contingency Plan for unauthorized discharges; and ii) restrict public access to the area. b) The permittee shall conduct a physical inspection of the treatment and disposal system to identify additional potential failures. c) The permittee shall propose actions to address the failure and methods of correction by submitting a Corrective Action Plan to NMED for approval within 15 days following the discovered failure. The Corrective Action Plan shall include a schedule for completion of corrective actions and the permittee shall initiate implementation of the Plan following approval by NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
42.	In the event that a release (commonly known as a "spill") occurs that is not authorized under this Discharge Permit, the permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below. Within 24 hours following discovery of the unauthorized discharge, the permittee shall verbally notify NMED and provide the following information. a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility. b) The name and address of the facility. c) The date, time, location, and duration of the unauthorized discharge. d) The source and cause of unauthorized discharge. e) A description of the unauthorized discharge, including its estimated chemical composition. f) The estimated volume of the unauthorized discharge. g) Any actions taken to mitigate immediate damage from the unauthorized discharge. Within one week following discovery of the unauthorized discharge, the permittee shall submit written notification to NMED with the information listed above and any pertinent updates. Within 15 days following discovery of the unauthorized discharge, the permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken

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	and/or to be taken relative to the unauthorized discharge that includes the following information. a) A description of proposed actions to mitigate damage from the unauthorized discharge. b) A description of proposed actions to prevent future unauthorized discharges of this nature. c) A schedule for completion of proposed actions. In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC. Nothing in this condition shall be construed as relieving the permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC. [20.6.2.1203 NMAC]
43.	In the event that NMED or the permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC. [Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]

D. CLOSURE PLAN

Closure Actions with Implementation Deadlines

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44.	Within two years of the effective date of this Discharge Permit (**by DATE**), the permittee shall commence the following closure measures on PWRS-1. a) Upon construction completion of PWRS-2, cease discharging to PWRS-1 and commence discharge to PWRS-2. All lines leading to and from PWRS-1 shall be temporarily plugged. b) Pump and transfer wastewater from PWRS-1 to PWRS-2 for storage prior to land application to disposal fields and/or subsurface irrigation system. The discharge of accumulated solids (sludge) from the impoundment for land application is prohibited.

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	Within 90 days of ceasing to discharge to the impoundment, the permittee shall submit a sludge removal and disposal plan to NMED for approval. The sludge removal and disposal plan shall include the following information. a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method(s) of sludge *removal* from the impoundment. d) The method(s) of *disposal* for all of the sludge (and its contents) removed from the impoundment. The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. *Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.* e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment ceased. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. Following completion of the sludge removal and disposal, the permittee shall complete relining of PWRS-1 and return the impoundment to service in accordance with the requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]

Permanent Facility Closure Conditions

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45.	In the event the facility, or a component thereof, is proposed to be permanently closed, the permittee shall perform the following closure measures. Within 60 days of ceasing to discharge to the impoundment(s), the line leading to the impoundment shall be plugged so that a discharge can no longer occur. Within 60 days of ceasing to discharge to the impoundment(s), wastewater shall be evaporated or drained from the impoundment and any other wastewater system components and disposed of in accordance with all local, state, and federal regulations. OR discharged from the impoundment and any other wastewater system components to

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	the land application area(s), as authorized by this Discharge Permit. The discharge of accumulated solids (sludge) from the impoundment to the land application area(s) is prohibited. Within 90 days of ceasing to discharge to the impoundment(s), the permittee shall submit a sludge removal and disposal plan to NMED for approval. The permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information. a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations. b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis). c) The method of sludge *removal* from the impoundment(s). d) The method of *disposal* for all of the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state and federal regulations, including 40 CFR Part 503. *Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit*. e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased. Within one year following completion of the sludge removal and disposal, the permittee shall complete the following closure measures. a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place. b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding. c) Perforate or remove the impoundment liner(s). d) Fill the impoundment(s) with suitable fill. e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding. The permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater. If monitoring results show that a groundwater quality standard in Section 20.6.2.3103 NMAC is exceeded in groundwater, the permittee shall implement the contingency plan required by this Discharge Permit.

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	Following notification from NMED that post-closure monitoring may cease, the permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011. When all closure and post-closure requirements have been met, the permittee may submit a written request for termination of the Discharge Permit to NMED. [Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]

E. GENERAL TERMS AND CONDITIONS

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46.	RECORD KEEPING - The permittee shall maintain a written record of:
	• information and data used to complete the application for this Discharge Permit;
	• any releases (commonly known as "spills") not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;
	• the operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;
	• facility record drawings (plans and specifications) showing the actual construction of the facility and bear the seal and signature of a licensed New Mexico professional engineer;
	• copies of monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;
	• the volume of wastewater or other wastes discharged pursuant to this Discharge Permit;
	• groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;
	• copies of construction records (well log) for all groundwater monitoring wells required to be sampled pursuant to this Discharge Permit;
	• the maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and
	• data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:
	  ○ the dates, location and times of sampling or field measurements;
	  ○ the name and job title of the individuals who performed each sample collection or field measurement;
	  ○ the sample analysis date of each sample

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	○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis; ○ the analytical technique or method used to analyze each sample or collect each field measurement; ○ the results of each analysis or field measurement, including raw data; ○ the results of any split, spiked, duplicate or repeat sample; and ○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used. The written record shall be maintained by the permittee at a location accessible during a facility inspection by NMED for a period of at least five years from the date of application, report, collection or measurement and shall be made available to the department upon request. [Subsections A and D of 20.6.2.3107 NMAC]
47.	INSPECTION and ENTRY – The permittee shall allow inspection by NMED of the facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which are located any records required to be maintained by regulations of the federal government or the WQCC. The permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations. Nothing in this Discharge Permit shall be construed as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations. [Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]
48.	DUTY to PROVIDE INFORMATION - The permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records. [Subsection D of 20.6.2.3107 NMAC]
49.	MODIFICATIONS and/or AMENDMENTS – In the event the permittee proposes a change to the facility or the facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the facility, the permittee shall notify

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	NMED prior to implementing such changes. The permittee shall obtain approval (which may require modification of this Discharge Permit) by NMED prior to implementing such changes. [Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
50.	PLANS and SPECIFICATIONS – In the event the permittee is proposing to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the permittee shall submit construction plans and specifications to NMED for the proposed system or process unit prior to the commencement of construction. In the event the permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the permittee shall report such changes (including the submission of record drawings, where applicable) as of January 1 and June 30 of each year to NMED. [Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]
51.	CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]
52.	CRIMINAL PENALTIES – No person shall: • make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA; • falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or • fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.

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	Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. [20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]
53.	COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders. [NMSA 1978, § 74-6-5.L]
54.	RIGHT to APPEAL - The permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues to be raised and the relief sought. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review. [20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]
55.	TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this facility or any portion thereof, the permittee shall: • notify the proposed transferee in writing of the existence of this Discharge Permit; • include a copy of this Discharge Permit with the notice; and • deliver or send by certified mail to NMED a copy of the notification and proof that such notification has been received by the proposed transferee. Until both ownership and possession of the facility have been transferred to the transferee, the permittee shall continue to be responsible for any discharge from the facility. [20.6.2.3111 NMAC]

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56.	PERMIT FEES - Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit shall be construed as relieving the permittee of the obligation to pay all permit fees assessed by NMED. A permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]